GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS - PR and RD Department – Allegation of not giving proper information in CC No. 942/2022 in WP No. 1717/2022 – Legal complications – Disciplinary proceedings initiated against **Sri K. Adinarayana, Deputy Executive Engineer, PRI Sub-Division, Markapur, Prakasam District** and framing charges under Rule 24 read with Rule 20 of APCS (CC&A) Rules, 1991 – Charge not held proved in the inquiry report of Chief Engineer, PR, QA&QC – Further action dropped – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.344 **Dated: 03.05.2024.**

Read the following:-

1. Orders of Hon'ble High Court of AP, dated: 25.01.2022 in WP No. 1717/2022 filed by Sri Putchanuthala Gopinath, R/o. Prakasam District.
2. G.O.Rt.No. 483, PR&RD (Vig. II) Department, dt: 16.06.2022.
3. G.O.Rt.No. 486, PR&RD (Vig. II) Department, dt: 16.06.2022.
4. From Sri K. Adinarayana, Dy.EE, PRI Sub-Division, Markapur, WSD dt: 23.06.2022.
5. G.O.Rt.No.885, PR&RD (Vig. II) Dept., Dt:02.11.2022.
6. From Sri K. Amarnath Reddy, CE, PR, QA & QC and Inquiry Officer, Letter No. CE/VQC/640/PKM/2023, dt: 13.12.2023.
7. Govt. Memo NO. 1758184/Vig. II/2022-4, PR&RD (Vig. II) Dept. dt: 16.02.2024
8. From the ENC,PR, Letter No Vig. III (1)/1644/2022, dt: 26.03.2023.
9. Orders dt: 12.10.2023 of the Hon'ble Division Bench of High Court of AP in Writ Appeal No. 724/2021 and Batch filed by the Government.

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ORDER:-

In the reference 1st read above, the Hon'ble High Court of A.P while disposing the WP No. 1717/2022 filed by Sri Putchanuthala Gopinath, R/o. Prakasam District, have directed the respondents to release the total principal amount Rs.16,31,690/- within a period of four (4) weeks to the petitioner. The petitioner has filed CC No. 942/2022 before the Hon'ble High Court of A.P for not implementing the above orders by the respondents. The 1st respondent i.e., the Principal Secretary to Government, PR&RD. Department has filed counter in CC No.942/2022 and review petition filed by Deputy Executive Engineer, PRI, Markapur making plea that since the quality control inspection conducted on 03.06.2020 have identified the recovery of Rs.13,86,603/- and hence payments were withheld. The counter and review petition were filed on the basis of information given by the Executive Engineer, PRI, Markapur and Divisional Accounts Officer, O/o.EE, PRI, Markapur. At the time of hearing of the case in the

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Hon'ble High Court of AP, an additional fact brought to the notice that on the same works another Quality Control inspection was done on 13.07.2019 and the same was also informed to Deputy Executive Engineer / Executive Engineer, PRI, Markapur and Superintending Engineer, PR, Ongole. Since the information was not brought to the notice of the Principal Secretary to Government, PR&RD. Dept., the same could not be included in the counter. Further the review petition filed by the Deputy Executive Engineer, PRI, Markapur in WP No. 1717/2022 also does not brought to the notice of the Hon'ble High Court of AP. This has caused huge embarrassment to the Government and invited adverse comments from the Hon'ble High Court of AP.

2. Accordingly, in the reference 2nd read above, Government initiated common disciplinary proceeding under Rule 24 of APCS (CC&A) Rules, 1991 against Sri K. Adinarayana, Deputy Executive Engineer, PRI Sub-Division, Markapur, Prakasam District and 2 others and framed article of charge under Rule 20 of said Rules vide reference 3rd read above against him **for the above lapses**, with a direction to submit his written statement of defence.

3. In the reference 4th read above, the Charged officer Sri K. Adinarayana, Deputy Executive Engineer (PR) has submitted his written statement of defense denying the charges. After examining the same, Government vide reference 5th read above have appointed the Chief Engineer, PR, Vig. & QC, Vijayawada as inquiry officer under Rule 20 (2) of APCS (CC&A) Rules, 1991 to conduct inquiry into the charges framed against Sri K. Adinarayana, Deputy Executive Engineer (PR) and against two other co-charged officers viz, Sri Y. Ramesh Babu, Executive Engineer (PR) and Sri P.V. Subba Rao, Divisional Accounts Officer Grade-II, O/o. EE, PR, Markapur in the matter.

4. In the reference 6th read above, the Chief Engineer, Panchayat Raj, QA&QC and Inquiry Authority has furnished inquiry report and held that the charge framed against Charged Officer Sri K. Adinarayana, Deputy Executive Engineer (PR) is not held proved, among others. Government vide reference 7th read above have communicated a copy of the inquiry report to Charged officer as per Rule 21 (2) of APCS (CC&A) Rules, 1991 for his representation, if any on the findings of Inquiry Authority to Government for taking further action, among others.

5. In the reference 8th read above, the Engineer-in-Chief, Panchayat Raj, among others has furnished the representation dt: 16.03.2024 of the Charged Officer i.e, Sri K. Adinarayana, Deputy Executive Engineer, PRI Sub-Division, Markapur to Government for taking further action, wherein the charged officer has requested to consider the findings of Inquiry Officer and to drop the charges framed against him in the matter.

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6. In this regard, Government have filed Writ Appeal No. 121 of 2023 against the orders of A.P. High Court in WP No.1717 of 2022. Further Review Petition No. 250 of 2023 has also been filed against the orders of A.P. High Court, dt:29.11.2022 in review petition IA 1 of 2022 (wherein the first review IA was dismissed by Hon'ble A.P. High Court earlier).

7. In the reference 9th read above, the Hon'ble Division Bench of High Court of AP delivered common judgment dt: 13.10.2023 in Writ Appeal No. 724/2021 and Batch of Writ Appeals filed by Government and directed under Para No.5 of the Judgment among others that "the Government would be at liberty to conduct an enquiry after affording to the petitioners an opportunity of being heard with regard to the works executed by them within the period from 01.10.2018 to 31.05.2019 and the enquiries, if initiated, would be completed within four months" and under Para No. 6 therein held that the common judgment and order impugned shall stand modified accordingly and accordingly disposed the Writ Appeals". The Writ Appeal Nos.250 of 2023 and Writ Appeal Nos. 121 of 2023 have been covered in the above common judgment therein. The CC No. 942 of 2022 is pending in the Hon'ble High Court.

8. Government have examined the matter and observe that the orders of Hon'ble High Court of AP under Para No. 7 above are relating to conduct further enquiry into the works executed by the writ petitioner and other writ petitioners. In the present inquiry report dt: 13.12.2023, the charges framed against the Charged Officer Sri K. Adinarayana, Deputy Executive Engineer (PR) and 2 other Charged Officers are not held proved. As such Government have decided to conclude the disciplinary proceedings against the charged officer based on the findings in the Inquiry Report.

9. Accordingly, Government after careful examination of the matter, hereby drop further action against Sri K. Adinarayana, Deputy Executive Engineer, PRI Sub-Division, Markapur in the matter.

10. The Engineer-in-Chief, Panchayat Raj, AP, Vijayawada shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
Sri K. Adinarayana, Deputy Executive Engineer, PRI Sub-Division, Markapur
(**through** the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada, with a request to serve the order on the individual and furnish dated acknowledgment)

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Copy to:
The P.R.& R.D (Estt. I) Department.
PS to Prl. Secretary to Government, PR&RD. Department (FAC)
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER